

9200/1754 LR

S-92,235

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Marshall H. Mendelsohn, et al.
Serial No. : 09/842,818
Filed : April 27, 2001
Title : METHOD FOR COMBINED REMOVAL OF MERCURY AND
NITROGEN OXIDES FROM OFF-GAS STREAMS
Group : 1741
Examiner : Medina Sanabria, Maribel
DOE Case No.: S-92,235
Customer No.: 31970



31970

PATENT TRADEMARK OFFICE

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

ATTN: Office of the Deputy Assistant Commissioner for Patents
Petitions Examiner, Building CP3, Room 11A09

Sir:

This Petition is being submitted in response to a Notice of Abandonment dated February 23, 2004 for the above-identified application.

Applicants request that the Holding of Abandonment for the abovementioned application be removed because Applicants never received the original Notice of Allowance (dated October 21, 2003) and thus had no opportunity to respond to the original Notice of Allowance within the statutory 3

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month period. Applicants only received the Notice of Allowance on February 2, 2004, after Brian Lally, Attorney for Applicants, inquired into the status of the present case.

The Notice of Abandonment states that Applicant failed to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

This Petition transmits documents which should provide satisfactory evidence that the Notice of Allowance referenced in the Notice of Abandonment was not received by Applicant.

The attachment is:

1. Declaration of Betty A. Winchester with attachment

Applicant therefore declares that the Notice of Allowance (dated October 21, 2003) was not received and that the Holding of Abandonment occurred through no fault of the applicants or their representative.

In view of these facts, Applicants attorney respectfully petitions that the Holding of Abandonment of this application be withdrawn and the Notice of Allowance be remailed to Applicants with a time period set for response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brian J. Lally', with a stylized, flowing script.

Brian J. Lally
Registration No. 51,911
Attorney for Applicants
630-252-2042

Attachments

Dated: March 10, 2004



S-92,235

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Title : METHOD FOR COMBINED REMOVAL OF MERCURY AND
NITROGEN OXIDES FROM OFF-GAS STREAMS
Group : 1741
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DOE Case No.: S-92,235
Customer No.: 31970



31970

PATENT TRADEMARK OFFICE

**DECLARATION OF BETTY A. WINCHESTER
IN SUPPORT OF
PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION**

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

ATTN: Petitioners Examiner

Sir:

I, Betty A. Winchester, hereby declare:

That I am a Paralegal Specialist in the Office of the Assistant General
Counsel for Technology Transfer and Intellectual Property of the United States
Department of Energy;

That I was in that position in October 2003;

That my duties at that time included the processing of all domestic Notices, Office Actions and other forms of Communications received from the U.S. Patent and Trademark Office (PTO);

That our office procedure is that all such Notices would be delivered to me by the person who opens the mail, unless I personally opened the mail, in which case I take them to my desk;

That I maintain a computerized record of all received Notices of Allowance and Office Actions due, as well as other papers from the U.S. Patent and Trademark Office (PTO);

That I maintain a file wrapper record of all received Notices of Allowance and other PTO documents;

That upon receiving a Notice of Allowance from the PTO, I enter the action code and the due date into the database;

That upon receiving a Notice of Allowance from the PTO, I would place a copy of the Allowance in the file and enter a record of that paper on the front of the file wrapper;

That attached hereto as Exhibit A is a copy of our file wrapper record of application serial number 09/842,818, showing that the formal application was filed on Apr. 27, 2001, and other notices or communications/office actions received from the United States Patent and Trademark Office for this case;


That if a Notice of Allowance for application serial number 09/842,818 had been delivered to me at any time during 2003, I would have processed it as stated above;

That I do not believe a Notice of Allowance for application for application serial number 09/842,818, was ever delivered to me or was ever in any mail opened by me;

That I acknowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of application serial number 09/842,818 or any patent which may be issue thereon.

That all statements made herein are of my own knowledge and belief are true and that all statements made on information and belief are believed to be true.

Respectfully submitted,



Betty A. Winchester
Paralegal Specialist
Office of the Assistant General Counsel for
Technology Transfer and Intellectual Property
U.S. Department of Energy
Washington, D.C.
202-586-2810

Attachment:
Exhibit A

Dated: March 11, 2004

WAIVER NO. W ()
STATUS:

EXHIBIT A
Copy of DOE's file
wrapper for SN 09/842, 818

Marshall H. Mendelsohn
C. David Livingston

SERIAL NO.

09/842, 818

TITLE

April 27, 2001

FILED

Method for Combined Removal of
Mercury and Nitrogen Oxides from
Off-Gas Streams

ASSIGNED TO
LICENSED TO U.S. GOVERNMENT AS REPRESENTED BY DOE

RIGHTS A DATED 4-12-2001

RECORDED

2/15/02

REPRODUCTION

REEL 12575 FRAME(S) 0354

OFFICE ACTION

RESPONSE DUE

AMENDED

Non Pursued 4-27-01

1.

2.

Rejection 11-5-02

2-5-03

filed 4-27-01

3.

Rejection 3-26-03

6-26-03

1-27-03 w/ Associate Patentably

4.

Notice of Allowance 2-23-04

Pat. to Revise 3-23-04

7-23-03

file 3-11-04

5.

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12.

RECEIVED
PATENT NO.

DATED

FOREIGN FILING

CLASSIFICATION

S.O. ISSUED

DECLASSIFIED

S.O. RESCINDED

FIELD OFFICE:

Ch 1/38
BL



CHECK HERE WHEN
ENTERED INTO COMPUTER

PTO Drawing Request

Proposed Drawing Correction Filed

Corrections Requested

Corrections Made

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RECEIVED

COPY

APPLICANT MENDELSON and LIVENGOOD SER. NO. 09/842, 818 FILE NO. 5-92, 235 PAT. NO.